

# MINNESOTA STATUTES 1977 SUPPLEMENT

## REGULATION OF SECURITIES 80A.21

sioner shall study such rates and make recommendations to the legislature concerning possible basis for discrimination. Such filing shall be made at the same time as the filing required in section 79.20. In determining what is a reasonable, fair, and adequate rate the commissioner shall allow insurers to charge an amount for profit and expenses in addition to the amounts necessary to pay any benefits or charges required by chapter 176. The amount allowed for profit and expenses shall not exceed 22.5 percent of the total premiums paid for workers' compensation insurance within this state.

[ 1977 c 342 s 25 ]

NOTE: This section as amended by Laws 1977, Chapter 342, Section 25, is effective June 30, 1979.

### 79.095 Appointment of actuary.

The commissioner shall employ the services of a casualty actuary experienced in worker's compensation whose duties shall include but not be limited to investigation of complaints by insured parties relative to rates, rate classifications, or discriminatory practices of an insurer.

[ 1977 c 342 s 24 ]

### 79.30 Subrogation upon insolvency.

The rating bureau shall be subrogated to the rights of the employee, or his dependents, as against the employer's worker's compensation insurance carrier, to the extent of payments made by the rating bureau under the provisions of sections 79.28 to 79.32 and shall take such legal proceedings as it shall deem necessary or advisable to recover thereon, and all sums so recovered shall constitute an additional fund for payment of these awards until the same are paid in full. The rating bureau shall not be subrogated to the rights of the employee, or his dependents, if any, as against the employer. In such a proceeding against an insolvent carrier, the rating bureau shall have first priority in payment from the assets of the insolvent insurer.

[ 1977 c 342 s 26 ]

## CHAPTER 80A. REGULATION OF SECURITIES

Sec. 80A.07	Denial, suspension and revocation of licenses.	Sec. 80A.21	Cease and desist orders; injunctions; receivers.
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### 80A.07 Denial, suspension and revocation of licenses.

[For text of subd 1, see M.S.1976]

Subd. 2. The commissioner may not institute a suspension or revocation proceeding solely on the basis of a fact or transaction known to him when the initial license was issued unless the proceeding is instituted within the next 30 days after the issuance of the initial license.

[For text of subds 3 to 5, see M.S.1976]

[ 1977 c 33 s 1 ]

### 80A.21 Cease and desist orders; injunctions; receivers.

Subdivision 1. Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order hereunder:

(a) He shall have the power to issue and cause to be served upon such person an order requiring the person to cease and desist from violations of sections 80A.01 to 80A.31. The order shall be calculated to give reasonable notice of the rights of the person to request a hearing thereon and shall state the reasons for the entry of the order. A hearing shall be held not later than seven days after the re-

## 80A.21 REGULATION OF SECURITIES

quest for such hearing is received by the commissioner after which and within 20 days of the date of the hearing the commissioner shall issue a further order vacating the cease and desist order or making it permanent as the facts require. All hearings shall be conducted in accordance with the provisions of chapter 15. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him upon consideration of the cease and desist order, the allegations of which may be deemed to be true. The commissioner may adopt rules of procedure concerning all proceedings conducted pursuant to this subdivision; and

(b) He may bring an action in the district court of the appropriate county to enjoin the acts or practices and to enforce compliance with sections 80A.01 to 80A.31 or any rule or order thereunder and he may refer the matter to the attorney general or the county attorney of the appropriate county. Upon a proper showing, a permanent or temporary injunction, restraining order or writ of mandamus shall be granted and a receiver may be appointed for the defendant or the defendant's assets. The court may not require the commissioner to post a bond.

[For text of subd 2, see M.S.1976]

[ 1977 c 33 s 2 ]

## CHAPTER 80C. FRANCHISES

Sec.  
80C.01 Definitions.

Sec.  
80C.08 Annual report.  
80C.09 Advertising.

### 80C.01 Definitions.

[For text of subds 1 to 3, see M.S.1976]

Subd. 4. "Franchise" means a contract or agreement, either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons:

(a) by which a franchisee is granted the right to engage in the business of offering or distributing goods or services using the franchisor's trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics;

(b) in which the franchisor and franchisee have a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise; and

(c) for which the franchisee pays, directly or indirectly, a franchise fee.

"Franchise" shall include a contract, lease, or other agreement whereby the franchisee is granted the right to market (1) automobiles, motorcycles, trucks, truck tractors, or self propelled motor homes or campers if the foregoing are designed primarily for the transportation of persons or property on the public highways or (2) motor vehicle fuel.

"Franchise" does not include any business which is operated under a lease on the premises of the lessor as long as such business is incidental to the business conducted by the lessor on such premises, including, without limitation, leased departments and concessions.

[For text of subds 5 to 16, see M.S.1976]

[ 1977 c 9 s 1 ]